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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined fourth to seventh periodic reports of Antigua and Barbuda

Constitutional and legislative framework

1. It is indicated in the report of the State party (CEDAW/C/ATG/4-7) that the definition of discrimination against women enshrined in article 1 of the Convention is covered by a general anti-discrimination clause in section 14 of the Constitution of Antigua and Barbuda (paras. 12–13).[1] In accordance with the State party's obligations under article 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please indicate what measures have been taken or are envisaged to incorporate the principle of equality of women and men into the national legislation and define and prohibit all forms of discrimination against women, including direct and indirect discrimination by State and non-State actors, and in public and private spheres.

Access to justice

2. Please provide information on the number and the nature of complaints of discrimination on the basis of sex or gender brought by women to national courts and to the Office of the Ombudsman during the period in which the Ombudsman post was occupied (between 1995 and 2014) (para. 22), and on their outcomes. Please explain what other measures have been adopted, in addition to the establishment of the Office of the Ombudsman and the training of judges and magistrates (paras. 22 and 25), to ensure that women and girls who are victims of gender-based violence have access to justice and reparations.

[1] Unless otherwise indicated, paragraph numbers refer to the combined fourth to seventh periodic reports of the State party.

Please recycle

National machinery for the advancement of women and national human rights institutions

3. Please indicate whether the concerns of women have been integrated into the current national five-year development plan and whether the State party has adopted or is developing a national action plan for women and a gender mainstreaming strategy. Please also provide detailed updated information on the human and financial resources, including qualified staff, allocated to the Directorate of Gender Affairs since 2016 to allow it to fulfil its functions. Please further explain the mechanisms in place to ensure inter-institutional coordination at various levels, in particular with local authorities, and cooperation with civil society organizations, beyond the information provided in paragraph 31.

4. Please describe any steps taken by the State party to establish a national human rights institution in full compliance with the Paris Principles (General Assembly resolution 48/134, annex) with a mandate to promote and protect women's rights and gender equality. Please clarify whether specific measures have been adopted to develop a system for regularly collecting data disaggregated by gender.

Temporary special measures

5. Please explain why no temporary special measures in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures are in place to accelerate progress towards greater participation of women in political life, other than training and awareness-raising measures (paras. 51–56). Please indicate whether the State party has adopted or plans to adopt any temporary special measures to accelerate the achievement of substantive equality of women and men in areas under the Convention where women are underrepresented or disadvantaged.

Discriminatory gender stereotypes

6. In the report, the persistence of discriminatory gender stereotypes in the State party, including in the education sector, is acknowledged (paras. 58, 60 and 66). Please provide detailed information on the measures taken to address discriminatory stereotypes in the roles and responsibilities of women and men, including through education and the media (paras. 58 and 66). Please also indicate any steps taken to eliminate the stigmatization of and discrimination against certain minority or disadvantaged groups, including migrant women, women who are internally displaced, women living with HIV/AIDS and lesbian, bisexual and transgender women and intersex persons.

Gender-based violence against women

7. Please provide detailed information, including statistical data, disaggregated by sex, age, type of offence and the relationship between the perpetrator and the victim, on cases of gender-based violence against women, including domestic violence, reported to the police, the Directorate of Gender Affairs and the Office of the Ombudsman, as well as the number of cases brought to court, the number of prosecutions and convictions and the sentences imposed on perpetrators of such violence. Please indicate whether women and girls who are victims of gender-based violence have access to adequate shelters and victim support services, including psychological, medical and legal support.

8. It is noted in the report that the Directorate of Gender Affairs commissioned a review of all legislation and policies pertaining to gender-based and sexual violence (para. 41). Please provide information on the recommendations made in the context

of the review and indicate whether they have been implemented. Please indicate whether that legislative review has led to amendments to the Sexual Offences Act (1995), which does not recognize rape within marriage in all circumstances (sects. 3 (1) and 4 (1)), and whether the Domestic Violence Act (2015) includes marital rape as an offence of "domestic violence" (sect. 2), with a view to unequivocally criminalizing marital rape and basing its definition on lack of consent. Please also indicate whether any steps have been taken to criminalize sexual harassment in public places, including the workplace, schools and public transportation (para. 208).

Trafficking and exploitation of prostitution

9. In the report, it is indicated that the State party amended the Trafficking in Persons (Prevention) Act in 2015 and established the Trafficking in Persons (Prevention) Committee in 2010 (para. 67). Please provide information on the number of cases of trafficking in women and girls investigated and prosecuted in the State party, as well as on the number of convictions and the sentences imposed on perpetrators since 2015. Please provide detailed information on the protection and support afforded to victims of trafficking, including temporary residence permits, and on the measures taken to ensure their early identification and referral to appropriate social services.

10. Please provide information on any legislative steps taken to decriminalize prostitution, as well as on measures such as awareness-raising to reduce the demand for prostitution and exit programmes for women in prostitution. What measures has the State party taken to prevent and address potential cases of exploitation of girls by their parents to supplement family income through prostitution? Please also indicate the steps taken to address the situation of migrant women in and from the State party engaged in prostitution within its territory or in other Caribbean States, respectively (paras. 71–72).

Participation in political and public life

11. Please provide information on measures taken to increase the representation of women in decision-making positions in Parliament, the Government and the public service, including in the judiciary and the police in the State party, in line with the Committee's general recommendation No. 23 (1997) on women in political and public life.

Education

12. It is indicated in the report that the dropout rate among girls owing to early pregnancy is decreasing (paras. 106 and 125). Please provide information on the measures taken by the State party to ensure that pregnant girls and young women are not expelled from school and to facilitate their reinsertion in schools after childbirth. Please indicate whether mandatory, age-appropriate education on sexual and reproductive health, including on responsible sexual behaviour, family planning and modern forms of contraception, is part of the regular school curriculum and taught by qualified teachers according to the same standards in all parts of the State party (para. 134).

Employment and social benefits

13. Please explain how section C4 (1) of the Labour Code is currently being interpreted, in particular with regard to any exception to the prohibition of discrimination based on a "person's ability to discharge the duties of the employment in question" (para. 137). In the light of reports that this provision has been abused by

employers to lay off pregnant employees, please provide statistical data on the number of labour disputes in connection with such dismissals and on their outcomes. Please also provide information on legislative and other measures taken to decrease occupational segregation, both horizontal and vertical, in line with the Committee's previous concluding observations (A/52/38/Rev.1, part two, para. 255).

14. Please indicate which steps have been taken to ensure that women engaged in unpaid domestic work or paid employment of less than six months have access to non-contributory social protection schemes and to establish national social protection floors, in line with the Social Protection Floors Recommendation, 2012 (No. 202) of the International Labour Organization (para. 143). Please also provide additional information on the measures in place to promote equal sharing of family responsibilities between women and men, including measures to promote the availability of kindergartens and institutions for older persons and persons with disabilities.

Health

15. The Committee notes that, under the Medical Benefits Scheme, the State party provides free medication and treatment for a number of diseases identified as being the leading causes of death among women (paras. 147 and 150). It further notes that the Scheme is limited to individuals who have contributed for a minimum of six months, with an exception for older persons and persons with disabilities. Please explain to what extent women who stay at home to raise children or take care of other family members, women in informal employment and unemployed women can access the Scheme. Please also provide updated statistical data disaggregated by sex on the main causes of morbidity and mortality that affect women and men and provide information on measures to address the causes that most affect women.

16. The Committee notes the provision of free medication and care for women with HIV/AIDS and the very low mother-to-child transmission rate. Please provide further information on any changes in the prevalence of HIV/AIDS among women and men, and in patterns of transmission. In particular, please provide information on prevention, treatment and health-care programmes targeted at vulnerable groups of women with HIV/AIDS, including transgender women and women in prostitution. Please explain how these programmes are provided without stigma and discrimination.

17. Please explain whether the State party plans to amend its existing laws (Offences against the Person Act of 1873, part IX, sects. 56 and 57; Infant Life (Preservation) Act of 1937, sects. 2 (1) and (2)) that criminalize abortion, unless the life of the pregnant woman is at risk (para. 156), with a view to legalizing abortion at least in cases of rape, incest, threats to the life or health of the pregnant woman and severe fetal impairment, and decriminalizing it in all other cases. Please also provide information on the measures taken to ensure that all women have access to safe abortion and post-abortion services, including women with insufficient financial means (ibid.).

Economic empowerment of women and rural women

18. Please provide information on additional measures taken by the State party to address the limited access for women to loans, mortgages and financial credit (paras. 179–180). In particular, please provide updated information on access for rural women to credit and land ownership, in line with general recommendation No. 34 (2016) on the rights of rural women. Please also indicate the measures taken to ensure safe and affordable access to transportation for rural women and girls (paras. 185–186).

Natural disasters

19. In the light of the fact that the State party is susceptible to hurricanes and earthquakes, please explain whether a gender perspective has been integrated into national disaster management, relief and recovery strategies, in line with general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change. Please also indicate to what extent women participate and are represented in consultations on disaster risk reduction and climate change initiatives. Please provide information on access to livelihood support and other relief and recovery efforts by the women and girls who have been most affected by hurricanes, including after Hurricane Irma and Hurricane Jose in September 2017, in particular the women who have been displaced from Barbuda to Antigua.

Refugee and asylum-seeking women

20. The Committee notes the establishment of an ad hoc refugee eligibility committee by the State party in 2015 and its active participation in processes in the framework of the Brazil Declaration and Plan of Action adopted in 2014, such as the Caribbean Migration Consultations held in 2016 and 2017. Please provide detailed information on any measures taken to adopt gender-sensitive asylum legislation that is in conformity with international standards and in which, among other grounds for international protection, gender-based violence against women is recognized. Please also provide information on measures taken by the State party to identify and protect victims of trafficking, in particular women, who may be in need of international protection, in order to better fulfil its obligations under article 6 of the Convention.

Marriage and family relations

21. The report indicates that, under the Marriage Ordinance, a woman or man between the ages of 15 and 18 years can legally marry with the consent of a parent or guardian (para. 193). Please indicate whether the State party has taken measures to increase the legal age of marriage to 18 years for both women and men and to ensure that any exceptions to the legal minimum age of marriage require the free, prior and informed consent of both intending spouses and authorization by a judge. Please explain the rights and responsibilities of women whose children are born in a common law relationship (paras. 195–196) and the right of women to joint property upon dissolution of a common law relationship that lasts for a continuous period of less than five years (para. 195).

Amendment to article 20 (1) of the Convention

22. Please indicate any progress made towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.